

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**ELEVENTH LEGISLATIVE DAY  
THURSDAY, JANUARY 17, 2008**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Bair and Goedde, absent and formally excused by the Chair.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Brooke Rinearson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 16, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 17, 2008

The JUDICIARY AND RULES Committee reports that **S 1276, S 1277, S 1278, S 1279, S 1280, S 1281, S 1282, S 1283,** and **S 1284** have been correctly printed.

DARRINGTON, Chairman

**S 1276** was referred to the Agricultural Affairs Committee.

**S 1277, S 1278, S 1279, S 1280,** and **S 1281** were referred to the Resources and Environment Committee.

**S 1282** and **S 1284** were referred to the State Affairs Committee.

**S 1283** was referred to the Judiciary and Rules Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 17, 2008

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Fred Trevey of Lewiston, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing August 15, 2007, and expiring June 30, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1285**

**BY SCHROEDER**

AN ACT

RELATING TO BOATING; AMENDING SECTION 67-7008, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REGISTRATION OF CERTAIN VESSELS; AND AMENDING SECTION 67-7009, IDAHO CODE, TO REVISE EXEMPTION FROM NUMBERING PROVISIONS.

**S 1286**

**BY SCHROEDER**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ARCHERY EDUCATION REQUIREMENTS.

**S 1287**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO JUVENILES; AMENDING SECTION 20-520, IDAHO CODE, TO REVISE SENTENCING PROVISIONS.

**S 1288**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO THE MAGISTRATE DIVISION OF THE DISTRICT COURT; AMENDING SECTION 1-2203, IDAHO CODE, TO REVISE MAGISTRATE JUDGE MEMBERSHIP AND TERMS ON DISTRICT MAGISTRATES COMMISSIONS, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE WHEN A COMMISSION VACANCY IS CAUSED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 1-2204, IDAHO CODE, TO REVISE THE OFFICE OF SECRETARY FOR DISTRICT MAGISTRATES COMMISSIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 1-2205, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE A CODE REFERENCE, TO DELETE PROVISIONS RELATING TO SALARIES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-879, IDAHO CODE, TO PROVIDE FOR WAIVER OF RIGHT TO MAGISTRATE JUDGE.

**S 1289**  
**BY STENNETT**  
 AN ACT

RELATING TO NUCLEAR ENERGY; AMENDING SECTION 39-3027, IDAHO CODE, TO PROVIDE THAT NO LAW SHALL BE ENACTED OR ACTION TAKEN BY THE STATE OF IDAHO OR ANY OF ITS POLITICAL SUBDIVISIONS TO PERMIT OR PROHIBIT THE USE OF NUCLEAR ENERGY FOR THE GENERATION OF ELECTRICITY, UNLESS THE PROPOSED MEASURE SHALL HAVE FIRST BEEN SUBMITTED TO THE ELECTORATE AT THE NEXT EARLIEST GENERAL ELECTION.

**S 1290**  
**BY EDUCATION COMMITTEE**  
 AN ACT

RELATING TO ALTERNATIVE PAY FOR CERTIFICATED PUBLIC SCHOOL EMPLOYEES; AMENDING SECTION 33-521, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004B, IDAHO CODE, TO PROVIDE AN ALTERNATIVE PAY PLAN; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004G, IDAHO CODE, TO PROVIDE AN ALTERNATIVE PAY FUNDING FORMULA; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004H, IDAHO CODE, TO PROVIDE A STATE FRAMEWORK FOR LOCALLY DEVELOPED KNOWLEDGE AND SKILLS-BASED COMPENSATION PAY PLANS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004I, IDAHO CODE, TO PROVIDE A STATE FRAMEWORK FOR LOCALLY DEVELOPED GROUP-BASED PERFORMANCE AWARDS; AMENDING SECTION 33-1004G, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-1004H, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE A CORRECT CODE REFERENCE; AND

AMENDING SECTION 59-1356, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

**S 1291**  
**BY STENNETT, LANGHORST, KELLY, BURKETT,**  
**WERK, BILYEU, SAGNESS**  
 AN ACT

RELATING TO FINANCIAL DISCLOSURE STATEMENTS FOR PUBLIC OFFICERS AND CANDIDATES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6631, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6632, IDAHO CODE, TO PROVIDE A DUTY TO FILE FINANCIAL DISCLOSURE STATEMENTS BY PUBLIC OFFICERS AND CANDIDATES, TO PROVIDE CONTENTS, TO PROVIDE AN EXCEPTION, TO PROVIDE APPLICATION AND TO PROVIDE FOR DUTIES OF THE SECRETARY OF STATE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6633, IDAHO CODE, TO PROVIDE CRIMINAL AND CIVIL PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

**S 1292**  
**BY STENNETT, LANGHORST, KELLY, BURKETT,**  
**WERK, BILYEU, SAGNESS**  
 AN ACT

RELATING TO COMPREHENSIVE CAMPAIGN FINANCE REFORM; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 34, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE AN ALTERNATIVE CAMPAIGN FINANCING OPTION, TO CREATE THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND SPECIFY SOURCES OF FUNDING, TO SPECIFY THE TERMS OF PARTICIPATION IN THE IDAHO FAIR ELECTIONS ACT CANDIDATE PROCESS, TO GOVERN THE ADMINISTRATION OF THE IDAHO FAIR ELECTIONS ACT, TO PROVIDE VIOLATIONS AND TO REQUIRE A STUDY REPORT TO THE LEGISLATURE; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3201H, IDAHO CODE, TO PROVIDE AN ADDITIONAL PENALTY ON ANY CIVIL PENALTY FOR PURPOSES OF THE IDAHO FAIR ELECTIONS ACT TRUST FUND; AMENDING SECTION 67-6607, IDAHO CODE, TO CHANGE THE ALLOWABLE CONTRIBUTION TO CANDIDATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625, IDAHO CODE, TO INCREASE FINES FOR VIOLATION OF CAMPAIGN CONTRIBUTION REPORTING PROVISIONS, TO DEDICATE RECEIPTS TO THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625A, IDAHO CODE, TO INCREASE THE FINE FOR LATE FILING OF REPORTS, TO DEDICATE RECEIPTS TO THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 84, TITLE 67, IDAHO CODE, TO CREATE THE COMMISSION ON FAIR ELECTION PRACTICES, TO DEFINE TERMS, TO PROVIDE THE POWERS AND DUTIES OF THE COMMISSION ON FAIR ELECTION PRACTICES AND TO

PROVIDE THE SOURCE OF FUNDING FOR THE COMMISSION; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE, REFERENCING EFFECTIVE DATES INCORPORATED IN SECTIONS OF LAW AND PROVIDING A SUNSET DATE.

**S 1293**

**BY STENNETT, LANGHORST, KELLY, BURKETT,  
WERK, BILYEU, SAGNESS**

**AN ACT**

RELATING TO ENERGY FACILITY SITING; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE AND FINDINGS, TO DEFINE TERMS, TO REQUIRE A SITING CERTIFICATE IN CERTAIN CIRCUMSTANCES, TO CREATE A SITING PANEL, TO PROVIDE AUTHORITY AND RESPONSIBILITIES OF THE PANEL, TO PROVIDE FOR AN APPLICATION FOR A SITING CERTIFICATE, TO PROVIDE DUTIES OF AN APPLICANT UPON SUBMITTAL OF AN APPLICATION AND TO PROVIDE DUTIES OF THE PUBLIC UTILITIES COMMISSION UPON RECEIPT OF AN APPLICATION; AND DECLARING AN EMERGENCY.

**S 1285, S 1286, S 1287, S 1288, S 1289, S 1290, S 1291, S 1292, and S 1293** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Friday, January 18, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary